

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

GRISSELLE RAMOS, on behalf of herself )  
and others similarly situated, )

Plaintiff, )

v. )

PLAYTEX PRODUCTS, INC., RC2 )  
CORPORATION, LEARNING CURVE )  
BRANDS, INC., and MEDELA, INC., )

Defendants. )

DINA SCALIA, et al., on behalf of )  
themselves and others similarly situated, )

Plaintiffs, )

v. )

PLAYTEX PRODUCTS, INC., RC2 )  
CORPORATION, LEARNING CURVE )  
BRANDS, INC., and MEDELA, INC., )

Defendants. )

JESSICA SMITH, on behalf of herself )  
and all others similarly situation, )

Plaintiff, )

v. )

PLAYTEX PRODUCTS, INC., RC2 )  
CORPORATION, LEARNING CURVE )  
BRANDS, INC., and MEDELA, INC., )

Defendants. )

Case No. 08-CV-2703

Judge Lefkow

Magistrate Judge Schenkier

Case No. 08-CV-2828

Judge Lefkow

Magistrate Judge Ashman

Case No. 08-CV-3352

Judge Lefkow

Magistrate Judge Brown

**DEFENDANT PLAYTEX PRODUCTS, INC.'S RESPONSE IN SUPPORT OF  
DEFENDANT MEDELA INC.'S MOTION FOR ENTRY OF A CASE  
MANAGEMENT ORDER PURSUANT TO RULE 16(C)(12)**

Defendant Playtex Products, Inc. ("Playtex") hereby notifies the Court that it supports and joins in Defendant Medela Inc.'s Motion for Entry of a Case Management Order Pursuant to Rule 16(c)(2) (Dkt. # 46) ("Medela's Motion for CMO").

Medela's Motion for CMO overlaps to some degree with Playtex's Motion to Dismiss Plaintiffs' Complaints for Lack of Standing or, in the Alternative, for More Definite Statement (Dkt. # 62) ("Playtex's Motion to Dismiss"). Both motions, as well as other Defendants' Motion to Dismiss Plaintiffs' Class Action Complaints (Dkt. # 68), raise issues related to each Plaintiff's failure to state with specificity which of the three products manufactured by three different defendants she has purchased. The Court should require each Plaintiff to provide this information, whether it be as requested by Playtex or pursuant to a case management order as requested by Medela, and should dismiss any claims by any Plaintiff against any Defendant from whom she has not purchased that Defendant's product.

Medela's Motion for CMO also requests that the Court enter a case management order requiring Plaintiffs to present preliminary factual information that constitutes evidence of actual exposure to lead and the nature and the extent of such exposure. Although issues related to exposure were not raised in Playtex's Motion to Dismiss, Playtex agrees with Medela that Plaintiffs should be required to provide this information prior to the exchange of initial disclosures and any other discovery. This information is particularly important in these cases in view of the fact that Plaintiffs here seek to recover the costs of diagnostic testing necessary to detect lead poisoning to their children resulting from Defendants' alleged actions.

Finally, in the event that the Court grants Defendants' separate motions to sever claims, any Order that the Court enters in connection with Medela's Motion for CMO

should be made applicable to each of these cases as they proceed separately against each Defendant.

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

Dated: July 9, 2008

By: /s/ Andrew Rothschild

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*Counsel for Defendant Playtex Products, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of July 2008, I caused a copy of the foregoing document, **DEFENDANT PLAYTEX PRODUCTS, INC.'S RESPONSE IN SUPPORT OF DEFENDANT MEDELA INC.'S MOTION FOR ENTRY OF A CASE MANAGEMENT ORDER PURSUANT TO RULE 16(C)(12)**, to be filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court's ECF system. Parties may access this filing through the Court's system.

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/s/ Andrew Rothschild